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PROCEEDINGS OF THE TWENTY-FIRST ANNUAL MEETING
OF THE AMERICAN ASSOCIATION OF LAW LIBRARIES
OCTOBER 4 to 9, 1926 AT ATLANTIC CITY, N. J.

The meeting was called to order by Sumner Y. Wheeler, President of the Association, Monday, October 4th, at 3 P.M., in the Japanese Tea Room of the Ambassador Hotel. He introduced Hon. Robert H. Ingersoll, Vice Chancellor, New Jersey Court of Chancery, Atlantic City, who addressed The Association as follows:

ADDRESS OF WELCOME

It is indeed a pleasure to welcome your Association at its annual conference in Atlantic City. I do not know whether there is any significance in the fact that you seem to be addicted to holding these conferences at pleasure resorts. It may be that the dust of your legal tomes call for and that you need the relaxation of a breath of the salty ozone, which is our stock in trade.

Of course, I can imagine the self denial you have exercised in waiting until the fall, after our bathing season has been officially closed, and after our Pageant of bathing beauties has passed into history. It may be that a perusal of the pages of life as opened on our beach in the summer time might have resulted in a loss of attendance at your sessions.

The practising lawyers, as well as the members of the judiciary, can and must thoroughly appreciate the advantages of the present day law libraries, and more particularly of the librarians who know where to look for the law.

Those of us who are of an older generation remember when we were admitted to the bar, the great reliance placed upon Blackstone and the other commentaries on the principles of law.

The examination for admission, which I passed nearly forty years ago was both written and oral. In the written examination were twenty questions. A knowledge of Blackstone, the constitution of the U. S. and of New Jersey, and the statutes of this State, was sufficient to enable one to answer in a satisfactory manner. Of course, the oral examination, to which you were admitted upon passing the written, embraced questions concerning procedure, and to some extent concrete cases.

An examination of a recent list of questions indicates but two which would be referred to Blackstone,—two or three reference to constitution or statutes, and the remainder of the thirty were statements of actual or moot cases.

I am not questioning the advantages or disadvantages of "case law," but calling attention to the change in the need for and of law libraries.

In the old days, many if not most of the individual law libraries consisted of Blackstone, a number of text books and local statutes and reports,—while at the present day those of us who are not near one of your law libraries are compelled in addition to our local statutes and reports, after having exhausted Am.

& Eng. Ency. of Law, Ency. of P. & P. and Cyc, to continue with C. J.; L. R. A., A. L. R., A. R. C., R. C. L., and the rest of the alphabet, then to follow up the Century Digest, the National Reporter System, the innumerable Law Journals, then the foreign publications and so on ad infinitum.

Becoming wearied of the endless reference and citations of cases, at the end of our search we are still in doubt, whether the case under consideration is governed by A. v. B., or if it is within the exceptions set out in X. v. Y., or do the conditions in D. v. E. apply.

Can you wonder then, that we look upon you, the custodians of the "Books of the Law," with pride, and with awe of that knowledge of "where to find it" that you possess. Therefore, we welcome you with deference, and as a light which shines from afar to guide us over the mountainous collection of printed law

HON. ROBERT H. INGERSOLL,
Vice-Chancellor.

RESPONSE TO ADDRESS OF WELCOME

Response to the address of welcome delivered by Hon. Robert H. Ingersoll, Vice Chancellor of the New Jersey Chancery Court, at the twenty-first annual meeting of the American Association of Law Libraries at the Hotel Chelsea, Atlantic City, October 4, 1926, by George S. Godard, State Librarian of Connecticut.

Mr. President, Chancellor Ingersoll, members of the American Association of Law Libraries, and friends:

It is a real pleasure and I feel a real honor to have been selected by our president to respond for our Association to this address of welcome by Chancellor Ingersoll, in which he expressed to us not only words of welcome and greetings but congratulations upon the work we have already accomplished and the hope and good wishes for our work in the years to come.

For twenty-six consecutive years—without a break—it has been my pleasure and good-fortune to have been able to have attended the meetings of the American Association of Law Libraries, the meetings of the National Association of State Libraries, and the meetings of the American Library Association with other allied organizations beginning with those meetings held at Waukesha, Wisconsin in 1901. During all these years, whether our meeting was held in the north, the south, the east or the west, we have always been greeted by this spirit of welcome, cooperation and best wishes. During these twenty-six years it has been our privilege to have been greeted by or listened to addresses by the leading minds of our day in the fields in which they were interested, which has always found a ready response from our brother and sister law librarians and friends assembled from all parts of the country.

For the benefit of some of those who may not have in mind just where our Association and its ancestors have met during these years let me for a moment retrace our steps, in order that you may visualize the scenes which I have before me at this time.

We are now in these beautiful surroundings at the Hotel Chelsea at Atlantic City. Last year we were at Seattle, Washington. But, going back to 1901 when my first connection with these national library meetings began, we were at Waukesha, Wisconsin, then we came east to Boston and Magnolia, Massachusetts, a beautiful spot on the New England coast, next to Niagara, then to St. Louis, then to Portland, Oregon, then back east to Narragansett Pier, where the American Association of Law Libraries was organized under the leadership of our good friend A. J. Small, Law Librarian of the State of Iowa—stand up Small—then south to Asheville, North Carolina, then north to Minnetonka, Minnesota, east to Bretton Woods, New Hampshire, one of the most beautiful spots in our country and where we had the finest service probably of any of our conferences up to that time, then in 1910 to Mackinac Island, Michigan, and some of us went the same year to the International Conference at Brussels, Belgium. In 1911 we met at Pasadena, California, then at Ottawa, Canada, thence to Kaaterskill, New York, the accommodations at which were remembered for being what none of us expected. These disappointments, however, were largely offset by the beautiful meetings at our national capitol at Washington the next year. Then in 1915 back to Berkeley, California, the next year to Asbury Park, New Jersey, then down to Louisville, Kentucky, up to Saratoga Springs, New York, and again to Asbury Park, New Jersey. In 1920 to Colorado Springs, the following year to Swampscott, Massachusetts, then to Detroit, Michigan, on to Hot Springs, Arkansas, back to Saratoga Springs, New York, then back to the Pacific Coast at Seattle last year. And now here we are again at Atlantic City, New Jersey.

At all of these meetings there was conspicuously present one predominating spirit, namely, an honest striving to learn of any way in which the law libraries over which it was our honor and responsibility to preside might be made more efficient, how we as law librarians might become more efficient in our service, how that service might be made more prompt, more complete, more up-to-date, and in certain cases more satisfactory. In very few cases could such service be rendered more willingly. As a result of these conferences and deliberations may we not say that we have as a result, at least in part, not only our Law Library Journal and our Index to Legal Periodicals to which we have devoted not only much time and love but practically all of our substance, and which now seem to be located in the midst of a beautiful sunrise, but also we have, may I not say, these most helpful bulletins of our Public Affairs Information Service and the conveniences and arrangements of our law libraries located in the several new court houses and capitols which have been erected throughout our land during these years. And last but not least, may I not say that the beautiful friendships which have been formed, the spirit of helpfulness and cooperation which have grown up in a way offset the lack of salaries which so many of us have been receiving.

I cannot bring these few remarks to a close without referring to those many loyal men and women who formerly met with us, conferred with us, advised with us, and gave us of their friendship. Many of these have been called to their great reward, others are unable to be with us today in body because of various combinations of circumstances. But I cannot help believing that while they are not here in body they are here with us in spirit.

Chancellor Ingersoll, the American Association of Law Libraries thanks you for these words of greetings, welcome, and best wishes which you have expressed to us, and we hope that in the years to come our Association may continue to give of its best to those whom it serves, and in return receive the best from them which it is possible for them to give. We thank you.

The next item on the program was the address of the President, Sumner Y. Wheeler, Essex Bar Association, Salem, Mass.

PRESIDENT'S ADDRESS

Some fifteen months ago our Association met for its last annual conference in Seattle, Wash., and in that delightful city enjoyed hospitality which has always distinguished our western friends.

Today we are meeting in the greatest convention city of the U. S. and the cordial welcome we have just received from the distinguished member of the New Jersey Judiciary has convinced us that we are among the kindest of friends and that a pleasant time awaits us at Atlantic City. In corroboration of Mr. Godard, I desire to say, that this fulsome welcome which we have just received from the Vice Chancellor is deeply appreciated, and that we may reciprocate, in at least a small way, his kindness. We extend to him a cordial invitation to attend any and all of our meetings, should he so desire, and particularly do we invite him to be one of our guests of honor at our banquet on Friday evening, when we shall all have the privilege of listening to another distinguished member of the Bar, the Hon. Hampton L. Carson of Philadelphia.

It is the President's duty at this time to bring before the convention such library matters of importance as have transpired during the past year, and to make suggestions for the future.

Unless there are matters, which require extensive consideration, your President's remarks should be brief, that he may not unduly delay the more important business of the session. Mindful of my duty to expedite the proceedings of this meeting, I will refer but briefly to the few important questions, which I feel at this time ought to be brought to the attention of the Association.

By request of the President of the A.L.A. we have lessened the number of sessions of the A.A.L.L. so that our members may attend the Anniversary Sessions of the A.L.A., which have been planned for most of the evenings during the coming week. I regret that we are not holding three or four sessions as has been our custom in past years, but the two sessions as outlined on our program promise to be worthy of your consideration and support. I hope both of these sessions will be well attended.

I wish at this time to thank all who have contributed to the conference program. Especially do I desire to thank Mr. Hewitt for his untiring services. He has never hesitated to give of his time or his resources to our Association.

It was through Mr. Hewitt's efforts that the Hon. Hampton L. Carson kindly consented to address us on Friday evening, and I trust that every member of our Association present at this convention, will endeavor to hear Mr. Carson, not only for the member's edification, but as a testimonial of appreciation of Mr. Hewitt's efforts to make this evening a bright-star in our conference program.

During the past year earnest and successful work has been done by the Committee on Index to Current Legislation. No doubt, you have all received letters or circulars from the chairman of this committee soliciting your personal support on the bill which is now before Congress and which we hope to have enacted into a law during the coming session. We shall be favored with a report of the success of this measure, at our Thursday conference.

Our Seattle program contained many excellent papers, all of which we voted to have printed in the Library Journal. As there were more papers read at this convention than is usual, and some of the addresses were lengthy, our printing bill for the Law Library Journal was considerably in excess of the cost of previous years, and while the balance this year is happily on the credit side of our ledger, yet another such drain would be a severe strain upon our treasury. The Index and Journal can and should be kept a paying proposition. All that needs to be done, is to restrict the pages of the Journal, so that it will not act as a loadstone to the Index and financially embarrass the Association.

I suggest the matter of printing this conference address be considered at our round table discussions.

Our treasurer's report for the past year will show a balance on hand of \$1,098.69 on Sept. 30, 1926, with outstanding bills amounting to less than \$200. Considering the excess cost of printing the Journal, this is an excellent showing, and the Secretary-Treasurer is certainly entitled to the appreciation and thanks of the Association for the good report, which was made possible thru her successful efforts in collecting dues and attending to all details incident to the publishing of our quarterly magazine. I recommend that she be paid a sum at least equal in amount, to that which she received last year, for like services.

During the past year, the grim reaper (of death) has taken from our midst, one whom we dearly loved, and who at past conferences has graced our meetings with her brilliant and charming personality, Mrs. Maud Cobb, State Librarian of Atlanta, Georgia, passed into the Great Beyond December 27, 1925. We shall miss her in our meetings, where her judicial counsels were always welcomed. Not only were our meetings enriched by her presence, but the little lady gave grace and poise to all our social events. The pleasant memories of her delightful personality will ever remain with those of us, who were privileged to be numbered among her friends.

As president of this Association I desire to express my appreciation of the loyal support which I have at all times received from our members, and I ask you to extend to the incoming president this same hearty co-operation, with which my administration has been favored. Let us all work together to make our Association a great service in law library work.

SUMNER Y. WHEELER, *President.*

The program was continued by the presentation of papers as follows: (These papers will be found elsewhere in Law Library Journal).

"English laws of conveyancing" by Hon. G. Robert Belt, Beverly, York, England.

"The widening scope of law librarianship" by Frederick C. Hicks, Columbia University Law School, New York City.

"The Revised Statutes of New York" by John T. Fitzpatrick, New York State Library, Albany, N. Y.

At this point announcements were made regarding the annual banquet; President Wheeler expressed the appreciation of the Association for the splendid preparations made by Mr. Hewitt, and appointed Mr. Hewitt Chairman of the Special Committee on the Banquet. Other members named to serve on the committee were Mr. Godard, Mr. Small, Miss Ryan and Miss Vernon.

The President then asked what were the wishes of the Association as to the appointment of the Nominating Committee. Motion was made and duly carried that the President name the members of this committee from the Chair as has been the custom in the past. The following committee were appointed, its report to be submitted at the session on Thursday.

Nominating Committee

Franklin O. Poole
George S. Godard
Miss Flo La Chapelle

Mrs. Margaret C. Klingelsmith, Biddle Law Library, University of Pennsylvania, Philadelphia, read her paper, "Law Libraries as the Source of Study of History and Sociology." (This paper appears elsewhere in Law Library Journal.)

The President then named the following members as the Auditing Committee.

Auditing Committee

Edward H. Redstone
Miss Olive C. Lathrop
E. E. Willever

"Mutual Co-operation among Law Librarians in Reference to Local Material" was the subject of a paper by Howard L. Stebbins, Social Law Library, Boston, Mass. In Mr. Stebbins' absence, it was read by Arthur S. McDaniel, Association of the Bar, New York City. (This paper appears elsewhere in Law Library Journal.)

The next item on the program was the Report of the Secretary and Treasurer, Miss Lucile Vernon, Association of the Bar, New York City. The Minutes of the Twentieth Annual Meeting, Seattle, July, 1925, were approved and adopted as printed in Law Library Journal, October, 1925.

REPORT OF THE SECRETARY AND TREASURER

To the American Association of Law Libraries:

This report covers a period of fifteen months, from July 1, 1925 to October 4, 1926, being, however, in two parts, one for the fiscal year ending June 30, 1926 and the other for the period July 1, 1926 to October 4, 1926.

Our membership at present is 141, of which 118 are regular members and 23 are Associate. Twelve new members have been added to the roll since July 1, 1925. There has been one death, Mrs. Maud B. Cobb, of Atlanta, Ga.

The following is the report of the Treasurer for the fiscal year ending June 30, 1926:

		Index Fund	Dues Fund
Total receipts	\$1,864.98	\$862.80	\$1,002.18
Disbursements	686.11	500.00	186.11
	<hr/>	<hr/>	<hr/>
Balance 6/30/26	\$1,178.87	\$362.80	\$816.07

Receipts, July 1, 1925-June 30, 1926

Balance brought forward from preceding year.....	\$1,449.19
Dues collected during fiscal year, 1925-26	345.00
Interest at bank	16.79
Collection for banquet in Seattle	54.00
	<hr/>
Total	\$1,864.98

Disbursements, July 1, 1925-June 30, 1926

Banquet payment to Hotel Olympia	\$60.25
Mrs. L. C. Tomlinson, work on Index to Legal Periodicals.....	500.00
Lucile Vernon, services as Secretary-Treasurer, 1924-25.....	100.00
Gerry & Murray, printing, envelopes, letterheads	25.86
	<hr/>
Total	\$686.11

Balance on hand June 30, 1926 \$1,178.87

The following report covers the period, July 1, 1926 to October 4, 1926.

		Index Fund	Dues Fund
Receipts	\$1,252.55	\$362.80	\$889.75
Disbursements	172.28	125.00	47.28
	<hr/>	<hr/>	<hr/>
Balance in bank 10/4/26.....	\$1,080.27	\$237.80	\$842.47

Receipts, July 1, 1926-October 4, 1926

Balance brought forward from previous year	\$1,178.87
Dues collected	68.00
Interest at bank	3.68
Banquet payment not refunded	2.00
	<hr/>
Total	\$1,252.55

TWENTY-FIRST ANNUAL MEETING

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Disbursements, July 1, 1926-October 4, 1926

Mrs. L. C. Tomlinson, work on Index	\$125.00
Lucile Vernon, postage for mailing programs.....	3.29
Sumner Y. Wheeler, printing programs	22.89
Luther E. Hewitt, expenses acct. hearings in Washington on Index to Legislation	21.10

Total	\$172.28
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Balance in bank, October 4, 1926	\$1,080.27
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There are three bills outstanding which have not been paid, viz:

To American Library Association, affiliation dues at 10c per capita for all members not members of A.L.A. for the year 1925.....	\$9.00
Same for year 1926	9.00
To The H. W. Wilson Co. for loss on vol. 18, Index to Legal Period- icals and Law Library Journal	129.57

Total	\$147.57
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The Treasurer recommends that these bills be paid as soon as possible and re-
quests the authorization of the Association for the payment thereof.

LUCILE VERNON, *Secretary and Treasurer.*

This report was referred to the Auditing Committee. It was moved and
duly carried that the Auditing Committee be authorized to consider and make
recommendations in regard to outstanding bills reported by the Treasurer, and
also in regard to expenses of the Committee on Index to Legislation on account
of the hearings in Washington, D.C. Upon motion made and duly carried, the
name of the Auditing Committee was changed to "Auditing and Finance Com-
mittee," in order that it might exercise the enlarged powers conferred upon it.

At this point announcements were made about the trip to Philadelphia for
the Fiftieth Anniversary session of the American Library Association, Wednes-
day, October 6th, at Drexel Institute. Following that session, the librarians were
to be guests of the University of Pennsylvania at luncheon, and of the Historical
Society of Pennsylvania at a reception.

Motion was then made to adjourn until Thursday morning at 9 o'clock.
Carried.

Second Session, Thursday, October 7, 1926, 9 A.M.

President Wheeler called the meeting to order. Further announcements were
made about the annual banquet, in which the National Association of State Li-
braries would join the American Association of Law Libraries. Members
of A.L.A., friends, and the lawyers of Atlantic City were invited to attend the
meeting following the banquet, at which the Hon. Hampton L. Carson of Philadel-
phia would deliver an address. Mr. Godard, Connecticut State Library, was
asked to act as toastmaster for the occasion.

REPORT OF THE AUDITING AND FINANCE COMMITTEE

The report of the Auditing and Finance Committee was the next item on the program:

The Auditing Committee have examined the checks, vouchers, and bank balances and find them correct.

The same committee recommends that the two unpaid bills amounting to \$147.57 be paid at once and that Miss Lucile Vernon, Secretary and Treasurer, be paid the sum of \$150.00 for her services.

That Mr. Hewitt be reimbursed to the amount of \$40.00 for his expenses to Washington, D.C. in connection with hearings on Index to Legislation.

E. H. REDSTONE
OLIVE C. LATHROP
E. E. WILLEVER

The Auditing and Finance Committee's report was adopted unanimously.

The President then called for the various committee reports as noted on the program.

Report of the Committee on a Consolidated Index to Textbooks was submitted by Andrew H. Mettee, Library Company of the Baltimore Bar, Chairman.

REPORT OF COMMITTEE ON A CONSOLIDATED INDEX TO TEXT-BOOKS

Your Committee regretfully reports that the hope that a law book publisher would publish a consolidated index to text-books, having been launched of their own volition, has been dissipated because the project proved too unwieldy.

But in order to keep the matter before this Association, it is thought best to dissolve the Committee, and to appoint another Committee on a "Consolidated Index to Forms in Text-Books."

It is presumed that some law book publisher, having the moral backing of this Association, can be induced to launch the project as useful and profitable both to the law book dealer and to the legal profession.

ANDREW H. METTEE, *Chairman.*

Report adopted.

REPORT OF COMMITTEE ON NEW MEMBERS

Report of the Committee on New Members was submitted by A. J. Small, Iowa State Library, Chairman.

To the President, Officers and Members of the American Association of Law Libraries:

Your committee on membership beg to leave to report that it has been mindful of the duties imposed and we are pleased to report that in cooperation with our efficient Secretary there have been thirteen new members added to our membership roll and in addition thereto at least one delinquent has paid dues and restored affiliation. The new names added are as follows:

- Mrs. C. A. Graves, Law Librarian, University of Virginia, University, Va.
 Mr. Joseph W. Kline, Librarian, Pennsylvania State Library, Harrisburg, Penn.
 Miss Alice M. Smart, Librarian, Bar Library Association, 1116 Scarritt Building,
 Kansas City, Mo.
 Mr. Lawrence Kelley Smoot, Librarian, Supreme Court Library, Austin, Texas.
 Mr. John T. Vance, Law Librarian, Library of Congress, Washington, D.C.
 Mr. Robert M. McCurdy, State Librarian, State Library, Concord, N. H.
 Miss E. Lucy Ogden, Librarian, Law Library, University of Tennessee, 303
 South Broadway, Knoxville, Tenn.
 Miss Mary G. Hoard, Cataloguer, University of Washington Law Library,
 Seattle, Wash.
 Mr. Robert E. Jarvis, Librarian, King's County Law Library, Seattle, Wash.
 Miss Violet G. Cox, Librarian, New Jersey Law School, 33 East Park St.,
 Newark, N. J.
 Mr. Paul Dansingberg, State Librarian, Minnesota State Library, St. Paul,
 Minn.
 Miss Anna M. Baxter, Librarian, Cravath, Henderson and de Gersdorff, New
 York, N. Y.
 Miss Rowena U. Compton, Librarian, Law School, Indiana University, Bloom-
 ington, Ind.

During the past year Mrs. Maud Barker Cobb, State Librarian of Georgia, one of our past officers and a devoted member of the Association passed away at her home on December 27th. As there will be an obituary made at this session we will not further extol her life and splendid character than to say that she was a lady of culture and refinement and much beloved by all.

We urge and recommend that the incoming committee on membership use diligence in following up prospective candidates for membership and assist the Secretary in the collection of dues.

Respectfully submitted,

A. J. SMALL, *Chairman.*

Motion to elect the members named in the report was unanimously adopted. Mr. Small also read a memorial of Mrs. Maud B. Cobb, a beloved member of the Association who died during the current year.

RESOLUTIONS

WHEREAS, The Grim Reaper invaded our ranks and took one of our choicest members on December 27, 1925, when Mrs. Maud Barker Cobb, State Librarian of Georgia, passed away at her home in Atlanta, after a brief illness;

AND WHEREAS, In the death of this splendid woman, whose life so full of usefulness and sunshine was an inspiration to us all, we have lost a valued member;

AND WHEREAS, Mrs. Cobb, always ready and willing to serve in any capacity, had been an officer of the American Association of Law Libraries at various times, and in recognition of her generous spirit and unselfish services, we desire to reverently dedicate and place upon our records a page to her memory;
 THEREFORE,

BE IT RESOLVED, That we sincerely mourn the passing of Mrs. Cobb, and while we deplore her early death, yet we feel the influence of her beautiful life and character will be long felt and remembered in our Association; AND

BE IT FURTHER RESOLVED, That this Association now in annual conference extend our heartfelt sympathy to the bereaved family, and do now order and direct that this memorial be made a part of our records and that a copy of the same be forwarded to the family of the deceased.

A. J. SMALL,
MISS FLO LACHAPPELLE,
MISS CLARABEL SMITH,
Committee.

Unanimously adopted.

Report of the Committee on the List of Law Libraries in the Standard Legal Directory was submitted by Arthur S. McDaniel, Association of the Bar, New York City, Chairman. The President read this report in Mr. McDaniel's absence.

REPORT OF THE COMMITTEE ON THE LIST OF LAW LIBRARIES FOR THE
STANDARD LEGAL DIRECTORY, 1925-1926

To the American Association of Law Libraries:

The Committee, unchanged in membership from the preceding year, followed this year the same methods which have been successful in the past. In addition, to bringing down to date the information for libraries already listed, twenty-six new names have been added.

A special effort was made to make accurate the listing in heavy face type of those libraries, whose librarians and assistant librarians are members of the Association. With the assistance of Miss Vernon, the Secretary-Treasurer of the Association, a careful check-up was made of the latest membership list. If any errors slipped through, they should be reported to next year's committee.

The Committee has again been helped by the hearty co-operation of the publishers of the Directory. Their Mr. Pedersen has frequently expressed the willingness of his company to be of every possible assistance to the Association.

The list which resulted from the work of the Committee will be found on p. 396-422 inclusive, of the 1926 issue of the Directory, a copy of which was sent to each member of the Association.

Respectfully submitted,

ARTHUR S. MCDANIEL, *Chairman*
HOWARD L. STEBBINS
ANNA M. RYAN
ALICE M. MAGEE
HELEN S. MOYLAN
J. J. DALEY
J. T. A. SMITHSON

Report adopted.

At this point the President announced that Mr. T. L. Cole, Statute Law Book Co., of Washington, D. C., would give his "Reminiscences of a Law Bookseller

from 1874 to Modern Times" at the afternoon session, a joint meeting with the National Association of State Libraries.

Report of the Committee on Securing Advance Sheets of the United States Court of Claims, submitted by Howard L. Stebbins, Social Law Library, Boston, Chairman, was read by Mr. Conant, Vermont State Library, in Mr. Stebbins' absence.

REPORT OF SPECIAL COMMITTEE ON SECURING ADVANCE OPINIONS OF
U. S. COURT OF CLAIMS

At the Seattle meeting this committee stated its conclusion that the only road to official publication of this important material lay through a Congressional appropriation, and recommended that a committee be appointed to bring the matter before Congress. The chairman was later notified by the Secretary that the former committee had been continued. He wrote on Sept. 18, 1925 to the two other members of the committee. From one member no reply was received.

The other member, Dr. George E. Wire, Librarian of the Worcester County (Mass.) Law Library, called on the chairman, one day, and the situation was discussed. We agreed that since the attack must be made along the exact lines of that used by the Committee on Index to State and Federal Legislation, and since that matter was much more important than ours, it would be wiser for us to defer action for a year.

Under date of January 7, 1926 a very illuminating letter was received from Miss Nancy C. Morrison, Librarian of the office of the Judge Advocate General of the Army, and one of the members of this Association. Miss Morrison sketched in some detail the procedure by which the various government bodies place their publications on sale through the Superintendent of Documents. This letter left the chairman more mystified than ever as to why a Congressional appropriation should be necessary to engineer a publication to be sold by the Superintendent of Documents at cost plus ten per cent. It would seem to be a simple matter for the proper Court of Claims officials to requisition the publication of a suitable number of copies. Rarely does one find, however, such an intelligent appreciation of the need of action coupled with such absolute inertia as to taking any forward step.

Our recommendation of last year is revised as to the securing of a Congressional appropriation. We now recommend that a committee be appointed to bring pressure upon the Court of Claims to the end that its advance opinions may be speedily published in official form. The prime factor in this campaign should be members of Congress, many of whom are lawyers and appreciative of the value of such publications. They should also be asked to work for a Congressional appropriation, if that, after all, seems to be the only way to secure action. The members of our Association can all help such a committee, if one is appointed, and there are many possible sources for bringing pressure to bear on the Court.

Bound volumes of U. S. Court of Claims reports are one to two years behind the work of the Court. Most of the opinions appear in the looseleaf U. S. Board of Tax Appeals and Federal Court Service published by the Commerce

Clearing House at \$67.50 per year. This price is prohibitive for all except the largest libraries. Lawyers, moreover, are often loath to depend on unofficial copies of court records. We believe that prompt publication of U. S. Court of Claims opinions will be worth the effort it requires.

Respectfully submitted,

HOWARD L. STEBBINS, *Chairman.*

Report adopted.

Mr. Hewitt, in making announcements as to the banquet, spoke briefly of the pleasure in store for those attending and hearing Mr. Carson's address on the "Old English Law Reports." Mr. Hewitt pointed out that "Mr. Carson is a very popular and delightful speaker, a master of his subject, no one in England being so well-informed. His collections in Philadelphia contain rare items. His address will be interesting, helpful and informal. Every one can hear Mr. Carson, and still be able to attend the last General Session of the American Library Association." (This address will appear in a later issue of Law Library Journal.)

ANNUAL REPORT OF THE COMMITTEE ON THE INDEX TO LEGAL PERIODICALS
AND LAW LIBRARY JOURNAL, FOR THE YEAR ENDING JUNE 30, 1926

The Report of the Committee on Index to Legal Periodicals and Law Library Journal was submitted by Franklin O. Poole, Association of the Bar, New York City, Chairman.

The Committee on the Index to Legal Periodicals and Law Library Journal presents its report covering volume 18, the volume for 1925.

In the previous report, that covering volume 17, 1924, were set forth the success attending the raising of a so-called "Deficit Fund," and the results of the increase in subscription rates. The accumulated deficits were met, leaving a substantial surplus in the Treasury of the Association. The expense of volume 17, 1924, including the editorial costs, was more than covered by the subscriptions received.

The previous report also informed the members of the Association of the appointment as editor of the Index of Professor Eldon R. James of the Faculty of the Harvard Law School and Librarian of the Law School Library.

Professor James began his work with the first number of volume 18 and he still continues as editor to the great satisfaction of the Committee. Professor James has had the backing of the Law School Faculty and the Committee feels that the Index, started eighteen years ago by the Association and carried on with varying fortune in spite of difficulties, financial and otherwise, has now achieved a permanence which should relieve the Association of the anxiety heretofore felt that this most important aid to the legal profession might be discontinued.

The Committee takes this occasion to express its sincere thanks to Professor James and to the Harvard Law School Faculty, not only for the excellence of the work done but also for assuming and cheerfully carrying on a work which entailed increased responsibilities and actual added expense to the Law School, this course being justified by their belief in the unique nature of the work and its value to the profession.

In its previous report the Committee recorded its belief in the inadequacy of the amount allowed for editorial compensation. But in view of the financial situation it was not deemed wise to increase this amount. The allotment, however, is insufficient properly to compensate for the indexing, making up the copy, proof reading and for supplies, not to mention charges for light, heat and space and compensation for the editor, which latter charges might properly be made against the work. The least the Association can do is to make the labors of the editor who assumes the responsibilities of the work, as easy as possible. Your Committee recommends an increase in the payments for editorial work.

The members have probably noticed the increase in the size of the issues. The four issues of the volume of the Index covered by this report, namely, Volume 18, 1925, contain 595 pages of Index and 159 pages of Law Library Journal as against 445 pages of Index and 49 pages of Law Library Journal in Volume 17. In other words there were 150 more pages of Index published last year than the previous year, and 110 more pages of Law Library Journal, an increase of 33 per cent and 224 per cent respectively.

The field covered by the Index is constantly increasing, particularly in the matter of bar association reports covered. At the same time the proceedings of the annual meetings are becoming more voluminous.

The increase in size is naturally reflected in the mechanical costs. Note please that there has been no increase in editorial expenses. We find that the costs increased from \$1,974.58 for Volume 17 to \$3,012.84 for Volume 18. That the business manager figures his costs carefully is evidenced by the fact that the rate per page is practically the same in both years; in fact is a fraction of a cent less for Volume 18 than for Volume 17.

Including editorial costs, Volume 17 showed a profit of \$393.78 whereas Volume 18 showed a loss of \$629.57. The "Deficit Fund," however, has been more than able to meet these added burdens and there is still a balance of something like \$230, not including whatever balance may be available in the general funds of the Association.

It will be noticed that the Law Library Journal is becoming more and more a financial burden to the Index. Your Committee recommends that appropriations be made from the general funds of the Association to defray at least a part of the publication costs of the Law Library Journal, these amounts to be added to the funds set aside on the Treasurer's books for the Index. The Committee feels that it would be unwise to separate the publications as it has been shown in the past that judges and others who are not members of the Association follow with more or less care the proceedings of the Association, a desirable feature of the present arrangement.

The Committee has already instructed the business manager to undertake a campaign of selling the Index to the small libraries who do not now subscribe because of lack of funds or because they do not take the periodicals indexed. In this campaign we shall endeavor to develop the following ideas.

(1) That the legal periodicals contain the latest expositions of new applications of old principles and the development of modifications of old principles made necessary by changing conditions in mercantile life. The ideas brought out by these articles do not, as a rule, get into the digests and textbooks until some time after they appear in the periodicals.

(2) That the writers of these periodical articles are as a rule the most eminent experts in the various lines, attorneys and judges who never write text books or prepare digests—lawyers who are retained by large interests at very large fees to advise on just the points covered by the articles.

(3) The index is the only key to this mass of literature.

(4) Libraries that subscribe to the periodicals find the Index absolutely essential. Libraries and individuals who do not subscribe have greater need for the Index, as investigators will be directed to these important contributions and can readily purchase or borrow the particular issues of the periodicals which contain them. The index opens up, at small expense, to the small libraries this tremendous reservoir of most important legal knowledge.

The Committee desires to present the following resolutions:

RESOLVED, That the thanks of the Association be extended to the Faculty of the Law School of Harvard University for making it possible for Professor Eldon R. James to undertake the responsibilities of Editor of the Index to Legal Periodicals. The Association is gratified that its efforts to provide the legal profession with this increasingly important aid has received this further recognition.

RESOLVED, That the thanks of the Association be extended to Professor Eldon R. James of the Harvard Law School, for his careful and discriminating work as Editor of the Index to Legal Periodicals during the past year.

RESOLVED, That the Treasurer of the Association continue to keep a separate account of funds raised by subscription or appropriated for purposes of the Index and Law Library Journal and that there be appropriated from time to time at the discretion of the Executive Committee and added to this separate account, amounts adequate in part at least to meet the cost of the Law Library Journal.

Respectfully submitted,

COMMITTEE ON THE INDEX TO LEGAL PERIODICALS
AND LAW LIBRARY JOURNAL.

FRANKLIN O. POOLE

GEO. S. GODARD

ERNEST A. FEAZEL

GERTRUDE E. WOODARD

Discussion as to the value of the Index to small libraries followed; it was pointed out that state libraries and others are now making inter-library loans, and even remote libraries may use the material indexed, having learned through the Index where the articles are published. The Committee's resolutions were discussed and voted upon separately, each being adopted unanimously. That Law Library Journal is widely read was noted with interest. President Wheeler expressed the confidence of the Association in the Committee's handling of these publications. (Applause.)

The Report of the Committee on Index to Legislation, Luther E. Hewitt, Law Association of Philadelphia, Chairman, which was scheduled for this time, was postponed until the joint session with the National Association of State Libraries in the afternoon. (As the Minutes of that session will not appear in Law Library Journal, the Secretary has taken this opportunity to incorporate the Report in the records of the Association at this point.)

COMMITTEE ON INDEX TO LEGISLATION

To the National Association of State Librarians, The American Association of Law Libraries, and the Special Libraries Association:

The committee on procuring the indexing of current laws of general interest by the Library of Congress respectfully reports as follows:

House Bills 9173 and 9174 were introduced in the House of Representatives by Hon. Henry St. George Tucker, of Virginia, Bill 9173 being for the revision and printing of an index to the Federal Statutes and Bill 9174 being for a biennial index to the legislation of the States. Each bill provided for an appropriation of \$25,000 for the purpose. Amendment will be necessary as to the amount.

A Hearing was afforded your committee by a sub-committee of the House Judiciary Committee, of which Hon. William Dayton Boies, of Iowa, was Chairman, following which the Judiciary Committee returned the Bills to the House of Representatives with favorable recommendation.

Senate Bills 3635 and 3634 to the same purpose were introduced in the Senate by Hon. Thomas J. Walsh, of Montana, and were referred to the Senate Committee on the Judiciary, Bill 3635 being for the Index to the Federal Statutes and Bill 3634 being for the biennial index to State Legislation.

Owing to the adjournment of Congress, the Bills did not become law, but they will be before Congress when that body meets again. They do not require to be reintroduced in the House, as they do not die with the session. They have a preferred status when the session begins in view of the fact that they were favorably reported, and are on the House Calendar ready for action. Nor do the Senate bills need reintroduction, as the Congress will be the same in December.

In petitioning for these measures, your Committee and the Committee of the Social Research Council cooperated. The Social Research Council was represented with especial ability and efficiency by Joseph P. Chamberlain, Esq., a leading member of the American Bar Association. Numerous bodies and individuals have supported the movement by letters. Among these are The Legislative Reference Bureau of Pennsylvania and The Pennsylvania Bar Association. Practically all the State Librarians have done so, as have many of the individual law librarians.

The American Bar Association passed a Resolution at their annual session, 1926, commending House Bill 9174 calling for an index to the State laws.

Your committee feel sure that this matter will succeed but they earnestly request that the Librarians, State, Law and Special, renew their efforts with their senators and representatives in Congress, and they do so at once in order that the matter may not fail for want of time.

Respectfully submitted,

CON P. CRONIN
SUMNER Y. WHEELER
HERBERT O. BRIGHAM
GEORGE S. GODARD
FRANKLIN O. POOLE
JOHN T. FITZPATRICK

CHARLES L. ANDREWS
RALPH H. WILKIN
GERTRUDE E. WOODARD
MRS. W. F. MARSHALL
OLIVE C. LATHROP
LUTHER E. HEWITT, *Chairman.*

Mr. Hewitt asked for instruction prior to the joint meeting as to whether the Association wished to include also an index to Federal legislation. Since the new Code of the United States will be up to date, it was thought that the law librarians might not be particularly interested in a Federal Index. Other sources also provide an index to Federal legislation. Edward H. Redstone, Massachusetts State Library, was asked by the President to confer with Mr. Hewitt as to a recommendation from the Association.

The Report of the Committee on Law Book Publications was not submitted, on account of the absence of the Chairman, Ralph H. Wilkin. The Association learned with regret of the serious illness of Mr. Wilkin, and hoped that he would speedily regain his health.

The next item on the program was "Statutes of Lower Canada" by C. R. Brown, Vice-President, Carswell Co., Toronto, Canada. (This paper appears elsewhere in Law Library Journal.)

"How Our Library Is Administered" was the subject of a paper read by Dr. G. E. Wire, Worcester County Law Library, Worcester, Mass. Dr. Wire answered questions from time to time, and exhibited samples of systems and devices used in his library. (This paper appears elsewhere in Law Library Journal.)

President Wheeler then called for the report of the Nominating Committee, which was submitted by Mr. Poole.

REPORT OF NOMINATING COMMITTEE

President, John T. Fitzpatrick,
New York State Library, Albany, N. Y.

1st Vice-President, John J. Daley,
Law Society of Upper Canada,
Osgoode Hall, Toronto, Canada

2nd Vice-President, Mrs. W. F. Marshall,
Mississippi State Library, Jackson, Miss.

Secretary and Treasurer, Miss Lucile Vernon,
Association of the Bar, 42 West 44th St., N. Y. City.

Executive Committee,
The President
1st Vice-President
2nd Vice-President
Secretary and Treasurer
Sumner Y. Wheeler
Con P. Cronin
Paul Dansingberg
Miss Rosamond Parma

Upon motion duly made and carried, the Secretary cast a ballot for the nominees, declaring unanimous vote for those named.

A. J. Small, Chairman of the Committee on New Members, at this point introduced the new members who were present at the conference, each of whom stood and received the greetings of the Association. (A list of members in attendance will be found at the end of these proceedings.)

At this time Mr. Mettee suggested that there should be a compilation or index to forms found in the law textbooks, and that someone should undertake this work. Various suggestions were made, but the consensus of opinion seemed to be that such an undertaking required a committee, whereupon it was moved and duly carried that such a committee be appointed by the incoming president.

As to the status of committees, the constitution was consulted, and it was found that all committees, except the Executive Committee, are appointed by the President, and he may appoint any or such committees as he thinks advisable. Whereupon it was moved and carried, that, since all committees lapse unless held over specifically, there be continued for the coming year the Committee on Index to Legal Periodicals, the Committee on Index to Legislation, the Committee on New Members, and such other committees as the President sees fit, the personnel to be in the hands of the incoming President.

ROUND TABLE DISCUSSIONS

T. L. Cole, Statute Law Book Co., Washington, D.C., who was to have talked on "the Expression of the Pagination of Books including Law Books, and particularly Statute Laws" was asked to speak at the joint session Round Table in the afternoon.

One of the discussions was about the signing of confirming orders, which some publishers are using, making a blanket order for publications. Many opposed such a method, since their own list of requirements adequately expressed their needs.

Another discussion was that of the tendency of publishers to place matter of permanent value on the inside covers of the books, instead of in the body of the book, thus causing loss and inconvenience when the books are rebound. There has been also a noticeable tendency to omit tables of cases from textbooks, to the serious inconvenience of readers. After considerable discussion, motion was made and carried that the Association put itself on record as opposed to such practices by the publishers, and that the Secretary should write the various publishers, communicating to them the attitude of the Association, with recommendations that no material of permanent value be placed on the covers of books, and also that tables of cases be included in all textbooks.

Another objection raised to the practice of publishers was that of the use of the preposition "to" where inclusive years were intended, instead of the dash, which is clearer and simpler.

The attention of the Association was called to the fact that Arkansas Session Laws of the Special Session, 1920, had never been printed, and that such a failure to print meant serious loss to the legal profession and law libraries, particularly where complete sets are maintained at considerable expense. Motion was made and carried that the President appoint a committee for the purpose

of accomplishing the publication of the session laws of that session, and particularly to secure an official publication, or one certified by the Secretary of State.

The Secretary was asked to express the thanks and appreciation of the Association for the many courtesies rendered it during the conference by the hotels, by the Atlantic City Library Association, and by many individuals who made its success possible.

Motion to adjourn was made and carried.

LUCILE VERNON, *Secretary*.

PERSONS ATTENDING CONFERENCE AT ATLANTIC CITY, N. J.
OCTOBER, 1926.

Miss Anna M. Baxter	New York, N. Y.
Herbert O. Brigham	Providence, R. I.
Mr. & Mrs. C. R. Brown.....	Toronto, Canada
Hon. Hampton L. Carson	Philadelphia, Pa.
Miss Fanny R. Childs	Springfield, Mass.
T. L. Cole	Washington, D. C.
Mr. & Mrs. H. J. Conant	Montpelier, Vt.
Con P. Cronin	Phoenix, Ariz.
Thomas S. Dabagh	New York, N. Y.
Paul Dansingberg	St. Paul, Minn.
John P. Dullard	Trenton, N. J.
Henry E. Dunnack	Augusta, Maine
Milton J. Ferguson	Sacramento, Calif.
Miss Mary V. Fisk	Toledo, Ohio
Mr. & Mrs. John T. Fitzpatrick	Albany, N. Y.
Miss Elizabeth Forgers	New Haven, Conn.
Mary E. Frankhauser	Lansing, Mich.
Edwin Gholson	Cincinnati, Ohio
George S. Godard	Hartford, Conn.
Mr. & Mrs. Luther E. Hewitt	Philadelphia, Pa.
Frederick C. Hicks	New York, N. Y.
C. S. Hook	Atlantic City, N. J.
Miss Mary E. Hoover	Cleveland, Ohio
Hon. Robert H. Ingersoll	Atlantic City, N. J.
Mrs. M. C. Klingelsmith	Philadelphia, Pa.
Joseph W. Kline	Harrisburg, Pa.
Miss Flo La Chapelle	Cheyenne, Wyo.
Miss Olive C. Lathrop	Detroit, Mich.
Robert M. McCurdy	Concord, N. H.
Arthur S. McDaniel	New York, N. Y.
Mrs. W. F. Marshall	Jackson, Miss.
Andrew H. Mettee	Baltimore, Md.
M. Nijhoff	The Hague, Holland
Franklin O. Poole	New York, N. Y.
Mr. & Mrs. E. H. Redstone.....	Boston, Mass.
Mrs. Helen M. Richards	Towson, Md.
Miss Anna M. Ryan	Buffalo, N. Y.
Miss Harriet M. Skogh	Springfield, Ill.
A. J. Small	Des Moines, Iowa

Burdette J. Smith	Chicago, Ill.
Miss Claribel H. Smith	Springfield, Mass.
Dr. & Mrs. Jacob ter Meuln.....	The Hague, Holland
Miss Ella May Thornton	Atlanta, Ga.
Miss Ethel Turner	Boston, Mass.
John T. Vance	Washington, D. C.
Miss Lucile Vernon	New York, N. Y.
Mr. & Mrs. Sumner Y. Wheeler	Salem, Mass.
E. E. Willever	Ithaca, N. Y.
Dr. & Mrs. G. E. Wire	Worcester, Mass.

THE WIDENING SCOPE OF LAW LIBRARIANSHIP*

By FREDERICK C. HICKS, Law Librarian, Columbia University

It may be that those of us who think that the scope of law librarianship is widening are led to that belief because, looking through the field-glasses of experience, we now see for the first time that which was already there if we had had the power to see it. Whether it be true or false that the field itself is expanding, the illusion is for the individual as real as the reality would be. We have at least a more distant horizon, our administrative duties are more exacting and we are expected to possess, or have means of obtaining quickly, a more diversified store of information than formerly was the case.

It is true that there are some law libraries which almost from their organization have been administered with such vision that everything legal, no matter how remotely so, has been potentially within their scope. But these were exceptions. Most law libraries in the United States, years ago, were regional in scope, designed to supply the strictly technical needs of the local bar. They were "working libraries," only a little larger than a practitioner's office library, and containing therefore only local statutes, reports, practice books and a few general treatises. Law study was carried on by means of just such libraries, either in office or school.

Then came certain influences which increased the demands on libraries. Law business began to overstep state boundaries; law series, digests and encyclopedias were published which were national in scope; state libraries included in their collections the documents of other states; law schools cast off state limitations and sought to train lawyers capable of practicing in any state, thus having need of comprehensive libraries; and following all these leads, bar association libraries quickly expanded.

It is not necessary for me to recount all the stages in the process. You all know that current statutes, reports, periodicals and text books are not now sufficient; that bar association reports, Attorney-general's reports, Public Utility Reports, orders and decisions of Federal and state departments and commissions, reports of legislative committee hearings, bills, reports on bills, and so on, are all part of our regular stock. You know that we are not content with American law books, Federal and state, and that Great Britain, her dominions, and the most remote of her colonies must be represented in our collections. You know

* Presented at the Annual Meeting of the American Association of Law Libraries at Atlantic City, N. J., October, 1926.

that we are not content with the latest revisions of laws but must have the session laws of every Anglo-American legislature from its beginning, no matter how rare and expensive they may be. You know that we make some pretensions to specialization in constitutional law; in criminal law and criminology, from which subjects it is difficult to exclude certain phases of psychology, statistics, anthropology and medicine; in international law, both public and private, including that great mass of literature indicated by the term international relations. You know that we do not eschew legal history, the bounds of which are hard to find, and that laws and decisions need to be read in the benign light of biographies of lawyers, judges and legislators. You know that it is only through restraint that we have not added to our collections of state laws, vast collections of city charters, and county and city ordinances. And you know that each year an ever larger number of us succumb to the enticements of non-English foreign law. We are thus confronted with Roman law, mediaeval and civil law and the law of modern Europe and Latin America. In this immense field we want not merely current codes, laws, reports, periodicals and commentaries, but historical collections.

To all of the above and more, as tasks of librarianship, we have fallen heir. To acquire, catalogue, classify, shelve and be ready to use this great literature is no mean task. But on top of it comes the modern flare for research, the devotees of which look to the librarian for first aid. For this purpose we have been forced to build up bibliographical collections and apparatus of search to meet every conceivable demand for information.

AMERICAN LEGAL HISTORY

Will you not agree with me that the field of law librarianship is wide, even though you were already aware of everything that has been said? Certainly the law library, although undoubtedly a special library, is not in any sense a narrow library of restricted content. It is broad enough to satisfy the longings of any one who wishes to expand. But the end is not yet. Consider for a moment the possible developments in American legal history and the part that law librarians may play in this development.

It is an old story that English legal history is an important subject of inquiry, and many notable works have been written upon it. Some of the greatest of legal scholars have devoted their lives to it, and have been credited with contributions to human knowledge useful not only to the lawyer but to the historian, political scientist and philosopher. One reason why studies in English legal history have been possible is that the public records of England have to a large extent been collected in central repositories. They have also been indexed and calendared, and so extensive is this latter literature which merely lists and describes the records, that there are sizable volumes which merely describe these instruments of search and research.

In the United States so little has been done in the writing of American legal history that the student has before him almost a virgin field. That the time has come at last to prepare the materials from which American legal history may be written is now recognized. The first task is to find out what legal public records exist, assemble them in central locations for appropriate areas, list them, calendar them, and prepare guides to these lists and calendars. The law

librarian can assist materially in this work, actually preserving what manuscript records he can unearth, and preparing lists of material which is on file in the public and private repositories of his own locality. He can also stimulate bar associations, historical societies, and state libraries to take an interest in this work, and to prepare lists of material which eventually may be combined with other lists to become useful tools of research. In getting clues to the existence and location of manuscript legal materials of historical interest, biographies of persons who played important parts in our judicial, legislative and legal administrative development will be very useful; for much of the most significant materials of colonial legal history will be found in the private hands of descendants of those persons. The material found will throw light first of all on our institutional legal history, on local government and local judicial tribunals; and secondly on the development of the doctrinal history of the law. It will show also whether, and to what extent, our present law is built up on a basis of Dutch, French, and Spanish law as well as upon the common law of England. It will show how far customs, which grew up in various localities where specialized activities were necessary, have been the source of entirely new legal ideas. How far, for example, mining and irrigation practises adopted and adhered to by common consent for convenience by the participants in those activities, have built up a law of mining and of irrigation quite peculiar to America. It would seem strange indeed if the law librarian did not play an important role in gathering, preserving and listing the materials of American legal history, even if he did not actually take a hand in the writing of that history. There is no more fascinating pursuit than the assembling, and organization of materials required for the writing of biographies of American legal heroes, and no one has better opportunities for doing this than the law librarian. This task alone, performed in each locality, would contribute largely to the knowledge of our own legal history.

A NEW APPROACH TO THE LAW

The foregoing suggestion is not startling. It is merely an application to our own country of methods which have long been used in the mother country. But there are other developments, which come upon us from time to time with revolutionary effect. One example will suffice to illustrate what I have in mind.

Students of the law are continually working over the materials that are already familiar to us—seeking new ways to look at the law the better to understand it. An example is the Hohfeldian system of analytical jurisprudence which has provided a new terminology, and which probably will result in a considerable body of new legal literature. Such new schemes of thought do not, however, usually take us outside of the technical field of law. But there is a new movement on foot, which involves bodies of knowledge collateral to the law. One cannot be certain that a name has been found for this phase of legal development which adequately describes it. Some call it sociological jurisprudence, others talk about a "Functional approach to the law," while others explain that it treats of law viewed as a means of social control. All agree that its essential characteristic is that law is no longer to be looked upon as an isolated body of logical reasoning based upon immutable principles. We see this idea put into

practice in the so-called "sociological briefs" submitted in the minimum wage cases; and we find the study and teaching of the law in the schools already affected by it. That lawyers, students and law teachers are conscious of the new trend may be observed in the fact that an increasing number of non-technical books are reviewed in the law journals. And we see men called in to teach in the law schools who are not lawyers at all, but who are experts in some other field, for example, business. In one law school we find provision made for the study of such subjects as the following, treating them not merely in their legal, but also in their collateral aspects.

Distribution of Business Risks Through Legal Devices

Law and Practice in Industrial Relations

Law in Society

Taxation

Law of Marketing

Public Finance

Corporation Finance

Railway Operation and Railway Problems

Domestic and International Banking

Insurance

Business Organization and Administration

Accounting

Public Control of Industry

Last year, a course in Trade Regulation required students to read parts of fifteen books on business, nine on combinations, and sixteen on marketing. Only one or two of these books would, a few years ago, have been thought to be suitable for a law school library. But today in this particular law school, it is taken for granted that such books must either be in the law library or easily available elsewhere.

This new approach to the law has already affected the requirements of law librarianship in law schools, and as groups of students emerge from these schools each year, they will, by their demands on bar association libraries, affect law libraries throughout the country. If they do not make it necessary for law libraries to possess non-technical books, they will at least put upon the law librarian the duty of being informed about this collateral literature, and of being able to direct the reader to libraries where it can be found. It will be a lame excuse for any of us to say concerning a request for books on marketing, for example, "That is out of my field."

TRAINING FOR LAW LIBRARIANSHIP

With a task so broad in its general outlines as the above, and with so many specialties comprehended within the field of law librarianship, each requiring some detailed knowledge superimposed on the foundation of general education, legal education and general library training and experience, has not the time come for definite attention on the part of this Association to the problem of training for law librarianship?

Over five years ago, on June 21, 1921, at our meeting held at Swampscott, Massachusetts, the writer ventured the opinion that "with law libraries fast grow-

ing in number, size and importance; with requirements for efficiency in general management, in service to readers, in classification and cataloguing, and in nearly every phase of library economy, becoming more necessary; it is evident that some step should be taken to provide systematic training for law librarianship." "We can, as heretofore," continued the suggestion, "go on training our own assistants; but while the results in many individual cases are excellent, there are many who fall by the wayside; after having been an expense rather than an asset to the respective libraries during probationary periods of several months. Much of this waste of time and money could be avoided if the process of selection could begin in the library schools." Answers to a questionnaire sent out at that time showed that no library school had any special facilities for training in law librarianship; so that the speaker could only rather lamely conclude his remarks by saying that he should not be content until the importance of training for our work had been recognized by the best of the schools.

Since that time there have been notable developments in the field of education for librarianship.

In 1923, Dr. Charles C. Williamson issued his report on *Training for Library Service*, which had the effect of causing the existing library schools to give to themselves a searching investigation. In Chapter XII he discusses the failure of the schools to provide facilities for advanced or specialized study, and urged that this need be met. The prospects are now good that this will be done. During the present year, announcement was made of a gift from the Carnegie Corporation of New York for the support of existing library schools and the establishment of new schools. One of the latter is located in the University of Chicago and will be of graduate grade. Another probably will be located on the Pacific coast, and a third has been established at Columbia University.

Something definite can be said concerning the opportunities for law library training in the last of these. The announcements says that a School of Library Service has been established at Columbia University, and that there have been combined with it the New York State Library School, for thirty-eight years located at the New York State Library in Albany, and the Library School of the New York Public Library, organized in 1911.

The new school, which has now entered upon its first session, is organized on a graduate basis. Candidates for admission must have a Bachelor's degree from an approved college or university and must be at least twenty years of age at entrance. Two years of study are now provided for, with the expectation that a third will be added. The first year will cover essentially the same field as the first year's curriculum in other accredited library schools, and will lead to the certificate of the school. The aim of this year's work will be to train the student in library methods and technique, and to give him such acquaintance with bibliographical works, methods of research, and the organization and administration of libraries, as will fit him for work in public libraries, college and university libraries, and a wide range of special libraries.

The work of the second year will lead to the degree of Master of Science. It will aim, through advanced courses and with the cooperation of the other professional schools and the graduate faculties of the University to afford an opportunity for specialized professional training of the kind which is generally avail-

able in engineering, teaching, medicine and many other professions. The special fields in which advanced work will be offered will include library administration, bibliography and research, cataloguing and classification, reference use of libraries, instruction in library methods, and special library and information services.

Advanced work may later be added leading to the degree of Doctor of Philosophy.

This statement plainly shows that this school is taking seriously the training of librarians, placing them on as high a plane as that occupied by doctors, lawyers and teachers; and that many persons who now feel themselves to be qualified to enter upon a career of law librarianship would not technically be qualified to enter such a school, because they do not already possess a Bachelor's Degree. For persons so situated it is probable that later an undergraduate course of study will be established, so that training may be offered for those looking forward to service as library assistants. Other persons would be prevented from entering the school because they were unable to give the time required. For such persons, the alternative of attending the Summer Session of the School is offered. A student successfully completing the work given in four or five Summer Sessions, equivalent to the first year of the regular graduate course, would receive the certificate of the school.

A further opportunity may be offered to those who are already in library service and who lack the time for any residence at all in the school. This would be accomplished through Home Study courses, such as those already successfully conducted by the University in other subjects.

What relation has the above to training for law librarianship? It has always been my contention that the only important difference between law library work and other kinds of library work is that which results from a different subject matter and a different clientele. The underlying principles of library economy and technique are the same in all libraries. The differences, so far as they exist, manifest themselves in the application of library technique to a special class of literature, and in looking out for the convenience and habits of thought of specialized groups of readers. This is nothing more than the librarian of a great general library finds it necessary to do when he departmentalizes his library. The chief and the assistants in each of these departments need a general grounding in the principles of library management and in technique. Each must carry on those functions which are characteristic of general libraries. Each must select, order, receive, pay for, catalogue, classify, bind and shelve his books, pamphlets, periodicals and other material. He must establish an adequate system of records for books loaned, or given out for use in the library, and he must render reference service to readers. Training in the general principles of all these phases of library work is given in library schools, and should be the basis on which to build such knowledge as is peculiarly useful in the respective special libraries or departments.

But there should exist at least one library school in which something more specific might be learned in respect to law librarianship, and there is reason to believe that the Columbia University School of Library Service will offer the re-

quired courses if a sufficient demand for them appears. No definite schedule of courses has yet been worked out, but a list of possible courses has been made. They include the following:

1. Legal Bibliography
 - A. Legal Bibliography proper; American, English and Foreign
 - (a) History of law books
 - (b) The place of law books in the history of printing
 - (c) Rare law books
 - (d) Scholarly bibliographies
 - (e) Trade bibliography
 - (f) Reference lists
 - (g) Bibliography of international law and international relations
 - B. Use of Law Books—How to find the law
2. Legal Biography
3. Law Library Administration
 - (a) Book buying
 - (b) Cataloguing
 - (c) Classification
 - (d) Reference work
4. Practice work in the law library

Such courses, superimposed upon a year of general library training, would make a student acquainted with the history, theory, technique and practical problems of law librarianship. And if to this were added some actual study of the contents of law books, it would be strange indeed if there did not grow up a race of law librarians better fitted to meet the demands made upon them in the ever widening field of law study, research and law library administration.

LAW LIBRARIES AS THE SOURCE OF THE STUDY OF HISTORY AND SOCIOLOGY *

By MRS. MARGARET C. KLINGELSMITH, Librarian, Biddle Law Library,
University of Pennsylvania

The earliest historians were the poets; the wandering bards who learned the gossip of the courts and kings; who listened to the sorrows of the humble hearthstone and the tragedies of town and village, and who wove them all into a story which afterwards became the history of the people and their times. Compact of fact illumined by imagination they went by word of mouth down the centuries until embodied in the writings which were to serve as the corner stones of the ponderous histories of the world. So has history continued to be made; so in large measure is it made today. For the historian of today goes to the historian of yesterday, and he of yesterday went to him of the days before that, and so on until we come to the troubador and the singer of stories once more. Always we get back to hearsay and legend and myth and miracle. You say, "Oh no, the historian of today goes back to the original records; he has letters of every period

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of which he writes, and papers and diaries and the newspapers of the later times, and writings of earlier times." Quite so, yet what are letters but one mind's impressions of the times about it; they show facts as translated by the mind receiving impressions from them; not facts as they are or were. What would the impressions of an American of 1914-20 be as compared to the impressions of an Austrian? If set down beside one another which would be fact and which fiction? Both fact? Yes, but how reconcile them. History has failed to reconcile such diverse impressions largely because it has not been able to set them off against one another. Always we have the record colored by the mind that collects the facts, that sets them down; that accepts what seems best to it and rejects what seems best to it. As if an artist would paint the picture of a countryside, and finding a clump of trees too thick should eliminate them, and, needing a brook on the left to bring in some blue to offset the blueness of the sky on the right should paint it there. The result would be a much prettier picture than one true to nature, but no real portrait of the scene copied. The artist may not even change a feature of the place but he may, nevertheless, spread over it such a gloom and horror that all would feel that place one forever to avoid, or he may so steep it in sunshine and color that all will say "here is the loveliest spot on earth." And yet the scene may be one of a gentle and commonplace beauty without special charm and without a touch of horror. So the historian has changed the scenes he has had to depict and colored them with his fancy and clipped them and pruned them in accordance with the narrowness of his mind and the bias of his training. If I am a devotee of Athens today is it not because my mind has been so submerged in the mind of the great historian of Athens that I cannot but feel that any advocate of Sparta has something crude and rude in the color of his mind. If I am Whiggish in my English tendencies is it not because I absorbed Macaulay at an early age? If all of us—or at least most of us—have a distorted and exaggerated horror of the French revolution, is it not because we have insensibly inherited that horror from the writers who made of "Bony" a goblin to frighten children with, and who shuddered at the idea of a social revolution of any kind. Have not the historians and the biographers combined to make the story of the great Elizabeth and the small Mary great in the minds of generations of men and women. The hearsay of the press, of letters, of records written not too truly, of diaries written by foolish or prejudiced men; all these have taken on the aspect of veritable history under the pens of the earnest advocate, the ardent protagonist, and the honest but fallible writer.

Do we not need some more solid foundation for the facts upon which the future historian may found his assertions and the future social worker learn the lessons by which alone he can guide his course? It would seem so indeed. And today they have begun to turn to the one place where the ground is solid under their feet. Where they no longer meet with chatter and gossip and hearsay, but do meet with solid stones which men have laid almost since the beginning of things. Of course there are certain guide posts which have always been noted by the historians. Some others have only recently come to light. Others are being made daily, and from the publishers and the legislatures they come to the Law Library. For it is to us that the historians have at last turned to learn the absolute facts of the past. For it is we who have the absolute records of what men have thought and the rules they have laid down for their daily living

from the time of Babylon to the last law of Oregon or Nebraska. From the *Coutumes* and the *Sachsenspiegels* and the *Schwabenspiegel* and the other mirrors of their times we possess the records of what men actually did in the old days. And not in the legislative records alone, for every record of a case decided in a court of justice is one which tells of the rule of life as it actually was. The records of these old trials are not hearsay or gossip, or even the common rumor of the times. They are little nuggets of absolute fact. If you think things did or did not happen in a certain period of time you can verify your thought of the time by turning—let us say, to the Year Books. Did women go personally to court in the times of Edward the Sixth; did they hold property and answer for it in their own names; did they hold of their lords and answer for their holdings in the manor courts? We do not have to turn to records which say they did these things; we turn to records which record the fact that they did them. Turn to those petitions in equity that for so long were hidden from us under various names; listen to the complaints made by the various persons, both men and women, who tell of their woes and their needs. No one can write of them with such eloquence and certainty as those who are the sufferers themselves. Their very voices seem to echo in our ears as we read the actual phrases used by those who were seeking redress of the evils that were crushing out their lives in that good old merry England of which we hear so much. Merry it may have been but these old complaints do not seem to bear to our ears very much laughter and merriment. Doubtless happy children were laughing and playing then as now, but history takes little account of the care free and happy, so even these records are of the burdened and the careworn. Let us listen to one or two of these petitions, since they give us so clear an idea of the social conditions of the times. The first complaint is one of the twentieth year of Edward the First, (1291-2).

"Dear Sir, I cry mercy of you who are put in the place of our lord the King to do right to the poor and to the rich. I John Fayrewyn make my complaint to God and to you, Sir Justice, that Richard the carpenter, that is a clerk of the Bailiff of Shrewsbury, detaineth from me six marks which I paid him upon receiving from him an undertaking in writing wherein he bound himself to find me in board and lodging in return for the money that he had from me; and he keepeth not what was agreed between us, but as soon as he had gotten hold of the money he abandoned me and constrained my person and gave me a scrap of bread as though I had been but a pauper begging my bread for God's sake, and I was nigh to dying of hunger through him. And for all this I cry you mercy, dear Sir, and pray, for God's sake, that you will that I get my money back before you leave this town, or else never shall I have it back again, for I tell you that the rich folk all back each other up to keep the poor folk in this town from getting their rights. As soon, my lord, as I get my money I will go to the Holy Land, and there I will pray for the King of England and for you especially, Sir John of Berewick; for I tell you that I have not a halfpenny to spend on a pleader; and for this, dear Sir, be gracious unto me that I may get my money back."

That might be a complaint from Philadelphia in the year 1926, the land of *Vare* and the slush funds, where "the rich folk all back each other up to keep the poor folk from getting their rights." You may be glad to know that the defendant admitted the breach and that there was an agreement by leave of the Court, and we may hope that the plaintiff took himself off to the Holy Land and had a right good time on the way.

The next example is one in which Mr. Bolland says we get a glimpse of an organized law school or some kind of an Inn or Court, of very much more ancient date than any of which we have hitherto had knowledge. We will shorten the record, but it seems that Lovekin Simon of Stafford wanted a pleader and

agreed to find John of Organ the means of supporting himself in London for three years and a half, with the stipulation that John should act as his pleader when he needed one. He was not a mere attorney, a pleader was one who had the right of audience before the King's Justices. So John went to London and came back a pleader. From this Mr. Bolland sets up the theory that there was at that very early period some organized society in London akin to the present Inns of Court. Here is something which no historian of the law has ever heard of; it puts us on notice that after all they have told us very little of the early law courts, and that all have copied what little they give us from the earliest writers of them all. The pleader does not plead often, getting his learning and his three years in London. So he complains to the Eyre. It is like the Bills in Eyre themselves. Reeves had heard of them but he said he did not know enough about them to write of them, and every earliest and latest historian of them all seemed to think that if Reeves did not know about them they were excused from the task of finding out about them. Yet I was sure that something of the kind had existed, and Mr. Bolland came upon the bills themselves and so convinced that profession that they really did exist.

There is one more cry out of the mediæval wilderness which I must let echo here in this modern babel, since it sounds so human.

"Alice the daughter of Piers Knotte of Shrewsbury complaineth to the Justices of our lord the King of Thomas Champeneys of Shrewsbury that he doth wrongfully detain from her five shillings of money, and a quarter of hard wheat and a surcoat of burnet, of the value of three shillings, two ells of linen cloth of the value of eight pence, and other things of the value of twelve pence; [and wrongfully] because the aforesaid Alice consented to make a charter in respect of a messuage, with the appurtenances thereof, in the town of Shrewsbury, that was of the right of this Alice, and when Thomas had got his way in the matter of this charter he refused to do ought for this Alice nor would he give her back her agreement. Of this she prayeth remedy for God's sake and for your soul's sake an it please you. Alice can get no justice at all, seeing that she is poor and that this Thomas is rich. Think of me, Sir, for God's sake and for the Queen's sake whom God assoil.

There are your social conditions set forth in the words of a woman who was no perfunctory pleader, and who was not being written about by somebody, but who was pleading in her own person for her own rights against a rich offender. There was a failure to prosecute but probably there was another agreement before and by leave of the justices.

There is an other book rich in instances of the social order, which is usually found only in Law Libraries; that is the book known as Bracton's Note Book, although we are not sure that it was his note book or that of some unknown collector of legal data. The cases run from 1218 to 1227, and while most of them are very short, they show a very active legal life going on among the men and women of the time, and in their litigation they set forth with clearness of detail the history which they were making.

But I will be brief. The point I am trying to make is this. You go to other libraries to read the story of what men and women have said about what happened in their times. You come to a law library to read the record—dry it may be at times, especially if you have not the clairvoyant eye—of the exact thing that was done in their times. Of course the record of a case would not be very complete if we had but the one side, but in such cases as those of the note book we may get all stirred up by the wrongs recited by the plaintiff,

but when Margery who is accused of burning charters, falsifying records, and maltreating an heir, comes into court how she smoothes out all those wrinkles and comes out quite a sainted character. Then the Court finds her not guilty of some of the things and we see what seems to be a pretty fair degree of justice done, and learn that human nature and life was very much the same in those old days as it is in this. And we learn it not by having someone prove it to us from tales of the time, but because we have been hearing these people speak for themselves, truth and fiction all mixed up together, but giving us the true story after all. The facts as crystallized in statute law; the facts as told by the voices of those who lived five, six and even more centuries ago, and told their tales in court. Those of you who have unrolled a roll of a manor court and read of the every day happenings there, can visualize a day lived in the country in the fifteen and sixteen hundreds better than any history can make you realize it. And more and more the historian has come to realize this. . . . I have had in the library men who are now writing history, and who, in order to make that history a correct account of the times of which they write have visited every law library in town, and gathered every bit of legislation of their period in order that it may tell for them a story otherwise not known and not capable of being proven except by such irrefutable proof as a statute gives. The social worker is also beginning to recognize the fact that social evils are not the outgrowth of modern conditions or recent laws; that there may be reasons rooted in the ancient customs or coutumes for legislation that exists today; that some of the remedies that seem most modern to them may have been tried in the far past, and have failed for reasons that might shed light on present problems. Too much social legislation is based on superficial knowledge of things past as well as things present. Who asks why the statute books of England are so studied with a certain kind of labor laws—not the kind intended to help the laborer until these latter days—and why the poor laws they have always with them. And by their side always the early cases with their dealings with the villeins who leave their villein nests and get caught if they return to them. The story of the very gradual change in the social conditions of the agricultural laborer in the times before the great industries had risen to bring first unrest and then power to the man who labors with his hands. Bertha Putnam with her great study of the statute of laborers has done a most useful work. There lies crystalized the history of a people and its long fight, now coming to a crisis, to get its head above water and have its share of the sun. The other side of that struggle has been told in all the histories, and in every country hearts thrill as they read the record of the great battles and the fields of the cloth of gold, of the captains and the kings, and the diplomats who outdid both kings and captains. But the people's story is told more simply and more truly in legislation and court record. And in the legislation of today we begin to see that they have won greater battles and triumphed in more worthy causes than any storied here of them all.

And there is one more thing. Perhaps Mr. Train will agree that there is more romance in the pages of any half dozen state reports than in the same number of novels. And as the children say "It is all a true story" comedy and tragedy, joy and heartbreak, crime and virtue and all the ingredients of which romances are made fill them. From the decisions of the Supreme Court which writes the nation's will into its law, to the decree of divorce which may break a woman's

heart, there is nothing of the nation's life which does not flow through these pages often accounted so dry and wearisome. Yet every one of them is a human document. Someone triumphs and someone loses in every case.

So to the law library may well come not only the judge and the lawyer and the professor, the legal writer and the student of the law, but also the historian does come, and the social worker will come, and last yet not least, since the study of humanity is the worthiest study of them all, will come the student of the human heart—the skilled story-teller—and out of these richest of stores will go from us with romance and story all the more moving because they have come straight from the true records of the men and women who have lived and suffered who have failed and who have won, and whose failure and whose triumphs have been set down in all truth in these sober volumes that make up our law libraries.

THE REVISED STATUTES OF NEW YORK *

By JOHN T. FITZPATRICK, Law Librarian, New York State Library

The American statute law world is having this year, not a sesquicentennial, but a centennial. One hundred years ago, March 15, 1826, the revisers submitted their initial report on the Revised Statutes of the State of New York. This has probably been remembered by but few of you or of the members of the bench and bar. Most of the latter, indeed, are entirely unaware of it.

A word like revised statutes is apt to send a shudder along the spine of a law librarian who classes them with the other inanimates, like the compiled statutes, codes, revised laws, general laws, etc., and a paper treating of them is usually as entertaining as the rattle of dried bones in a box. However, this is about *the* Revised Statutes. The first to deserve the name in the history of our statute law. The first great movement in the reform of Anglo-Saxon law that was to reach its climax in the reform of procedure in 1848, a movement which freed us from the ancient incumbrances that had fastened themselves upon the English common law and to which the states of the United States had fallen heir.

When the colony of New York became a state the laws in force in the colony were continued. The first Constitution of 1777 asserted this affirmatively and the three subsequent Constitutions reiterated it with some modifications. The present provision (Art. 1, Sec. 16) reads:

Common law and acts of the colonial and state legislatures.— 16. Such parts of the common law, and the acts of the Legislature of the colony of New York, as together did form the law of said colony, on the nineteenth day of April, one thousand seven hundred and seventy-five, and the resolutions of the congress of the said colony, and of the convention of the state of New York, in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, or been repealed or altered; and such acts of the legislature of this state as are now in force, shall be and continue the law of this state, subject to such alterations as the legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to the Constitution, are hereby abrogated.

* Presented at the Annual Meeting of the American Association of Law Libraries at Atlantic City, N. J., October, 1926.

This is apparently a definite statement. As a matter of fact it is one of the most ambiguous ever set on paper. And a statute contemporary with the Revised Statutes (L. 1828, 2d meeting, ch. 21) expressly abrogated the acts of the colonial legislature and the resolutions of the congress of the colony and the convention of the state, The Revised Statutes rendering their continuation no longer necessary.

Under the Dutch regime which continued from the settlement of the colony until the English occupation in 1664 the legislative body of the colony consisted of a director-general or governor and a council, who enacted laws and ordinances. The basis of the Dutch law was the civil law, supplemented by the canonical law. The acts of this body were subject to veto by the Dutch crown. It is doubtful if they were ever enforced outside of the more thickly populated places. The authority of the governor and council was contested by the patroons who held grants from the Dutch West India Company and in whose manors were established courts directly under the authority of the patroons. The acts of this body were never printed, at least in permanent form, until the year 1868, when they were gathered from various sources. Even in this printing they are far from complete.

In the year 1664 the Duke of York acting under a commission given him by his brother Charles the Second, seized the colony by force of arms and thereupon there was introduced the English common and statute law. In 1665 delegates representing the most southern portion only of the colony gathered at Hempstead, Long Island, and adopted a body of laws which are commonly known as the Duke's laws. The colony was governed under these laws until 1691. Under the first English occupation the legislative body consisted of the court of assizes which in its promulgation of edicts was little more than the mouth-piece of the Duke of York. The Duke's laws were not published until 1809 (See vol. 1, p. 307, of the Collections of the New York Historical Society). Several copies in manuscript, however, were deposited in towns in the southern part of the colony. The records of the court of assizes were never printed and the originals were destroyed in the capitol fire of 1911, so that all of their enactments, with the exception of a few scattered ones occasionally printed, are entirely lost.

For a few months during the years 1673 and 1674 the Dutch rule was re-established, but their stay, which was principally a military occupation, was productive of but little legislation. Upon the transfer of the colony to England by treaty in 1674 the Duke's Laws were again promulgated.

In 1683 the first general assembly was called. Two such assemblies were held and passed a considerable body of legislation, some of which were, in time, vetoed by the crown. The assembly was finally dissolved in 1687. Its legislative powers were taken over by the governor and a council. The acts of these general assemblies were not printed until 1894 and will be found in vol. 1 of the Colonial Laws of New York.

The acts of the governor and council succeeding the general assembly apparently are fifteen in number. None of them exists in any form.

On the accession of William of Orange to the English throne, a new government was appointed for the colony. Pending the arrival of the new governor

the control of the colony was seized by Jacob Leisler who called a general assembly in 1690. It is known that this assembly passed at least three acts, one of which only is extant, and this was not published until it appeared in the Colonial Laws.

It has never been decided whether any of the legislation prior to 1691 was continued in force. Indeed a resolution of the general assembly, which was not concurred in by the governor and council, attempted to nullify the acts passed during the regime of the Duke of York, later James the Second.

In 1691 Governor Sloughter was appointed by the new regime in England as governor of the colony. Pursuant to the authority of his commission he called an assembly which met in 1691. The acts of this assembly were subject to approval by a council and a governor appointed by the King. They were sent to England for approval by the crown and remained in force until they were disapproved by the latter authority. The acts of the assemblies from 1691 until the revolution were regularly printed and also appeared in several compilations of these acts.

From the foregoing it will be seen that it is doubtful if the statute law of the colony was ever fully known. Until 1691 it was never regularly printed, and many acts known to have been passed prior to that date have been either lost or entirely destroyed and no copies of them exist in any form.

As to what common law had been adopted from the English regime there was still more doubt. Of course theoretically the common law did not exist in a written or printed form and was to be found only as it was referred to or expounded in the reports of judicial decisions and in commentaries and textbooks. It is doubtful if all the common law has ever been set out even in this form. Another cause for confusion was whether certain ancient statutes were still to be considered as statutes or whether they had become a part of the common law. This is a point that is often passed upon by our courts to this day. As late as February, 1926, we find the appellate division of the supreme court of the state of New York (*Harmon v. Peats Co.*, 216 App. Div. 368, at p. 379) declaring that the English statute of fraud enacted in 1676, 29 Car. II, constitutes a part of the common law of this state. Such declarations are essential, since the English statutes since 1828 have been of no effect in this state. From almost the beginning the courts of the state declared that the canonical law had never been adopted in either the colony or the state, leaving the state practically without law upon many branches of the law of domestic relations. Another source of confusion was whether certain principles of English common law were still in force either in England or in the state of New York, and the legislature proceeded in the early years of the state, to repeal many ancient provisions of law that probably were obsolete in the mother country. Among these was trial by battle and attain of jurors. It must be remembered that many of the provisions of the English law were not applicable to the new form of republican government. An illustration of these are the feudal tenures such as the socage tenures, perpetual rents and restraints on alienation. These had been the means of perpetuating the old manorial estates. The legislature promptly abolished these tenures with the result that the manorial estates fell to pieces within a very few years.

The colony and state of New York like all of the original colonies and states had a series of so-called revisions of its statutes. There was very little difference

between these so-called revisions in any of the states. They were usually known as "Laws" or "Revisals." You all know them. They consisted merely of a setting forth of the session laws of the jurisdiction arranged in chronological order. I will illustrate from those of New York. The first, commonly called the Bradford laws covered the sessions of 1691-1694. Other editions of the Bradford compilation appeared in 1710, 1713, 1719, 1726 and 1730. In 1719 a compilation was published in London by John Baskett, in the same form as the Bradford laws except that the temporary, private, expired, repealed and obsolete laws are given by title only. In 1750 pursuant to an act of the colonial assembly entitled "An Act to reduce, digest and print the laws of this Colony," a compilation similar to the Baskett laws was published by Livingston and Smith and covered the laws from 1691-1751, inclusive. This compilation showed an advance upon the previous ones in that the compilers used the original manuscript laws and not the printed laws. This resulted in the discovery that many of the printed laws had never been duly enacted or had been vetoed. In some cases the originals were not found; and in that case were either omitted or, where they were of general concern, were published from the printed laws or from enrolled copies. This edition also gave chapter numbers to all of the acts and added side notes and cross references. A second volume of this revision by the same editors contains the laws from 1752-1762, inclusive. In 1774 a similar compilation containing the laws from 1691-1773 was published under the authority of an act of the assembly and are known as the Van Schaak laws, from the compiler. In 1786 an act of the state legislature appointed Samuel Jones and Richard Varick to collect and reduce into proper form all of the public acts of the old colony and of the state and lay the same before the legislature, with the intent that when enacted into law thenceforth none of the statutes of England should operate as laws in this state. This program proved too much for the revisers, for the work submitted by them to the legislature, consisted of the old familiar form of compilation, containing the statutes of the state down to 1789. An appendix contains some acts of the colony which "are most necessary to be known." The compilers explained "There is reason to believe, the legislature supposed, when this work was undertaken, that it would contain the whole statute law of the state; but in the course of the revision, they found that several of the public acts of the late colony, could not, with any degree of propriety, be reenacted or repealed. These acts stil continued to form part of the law of the state. There are others, of general concern, which, although repealed, or become obsolete by new provisions, must give the rule relative to things before done under or according to their direction." An act of 1800 attempted a further advance in the matter of revision. It appointed Chancellor Kent and Jacob Radcliff and directed them to carefully collect and reduce into one act all of the different acts or parts of acts which related to the same subject or place. They were to further report any contradiction, omission or imperfection to the end that they might be more really reconciled, supplied and amended. A series of bills containing proposed revised laws were submitted and enacted by the legislature. The revisers explain that they made great alterations in the arrangement and language of many of the statutes. A further advance in the movement for real revision is found in the Revised laws of 1813. The revisers collected all acts relating to the same subject and arranged them together in logical order, shortening them when deemed

necessary and altering the language they deemed incorrect or of doubtful construction. They did not hesitate to supply omissions and to remedy manifest imperfections. A detailed account of these compilations will be found in the *Law Library Journal*, v. 12, p. 21.

These with the Duke's laws, before referred to, constitute all of the official revisions and compilations of the state down to the enactment of the Revised Statutes. So that upon the adoption of the Constitution of 1821 the law of the state consisted of the common law of England and the statute law of England and of the colony, prior to April 19, 1775, together with the resolutions of the congress of the said colony and the convention of the state in force April 20, 1777, and of the acts of the state legislatures since that date. As has been explained the exact scope of the first two were either entirely unknown or quite indefinite and the acts of the state legislature were as yet too fragmentary in regard to most of the general subjects of law, most having been passed to meet particular cases and emergencies. So that it was not possible to know of exactly what the law of the state consisted.

A law was enacted in 1824 (ch. 336) providing for another so-called revision of the statutes. It contemplated a compilation like those of 1801 and 1813, and differed little in phraseology from the acts providing for those compilations. It appointed Chancellor Kent, Erastus Root and Benjamin F. Butler to do the work. Chancellor Kent declined to serve. He wanted to do the work by himself and insisted that he should be given a reasonable time and a reasonable compensation. He was considered of course as the most experienced man to do the work, not only because of his long judicial career, but from the fact that he was one of the compilers of the 1801 revision. The governor appointed John Duer to take the place vacated. Mr. Root actually started work on the old lines and made some progress. He was of the old school and considered the old method sufficient.

Then the unexpected happened. Messrs. Butler and Duer, the younger members of the commission, conceived that the time was right for a real revision of the statutes. They argued that the existing laws should be entirely rewritten with a view to placing the topics in a logical order under titles and sub-titles. They argued that the bulk of the statutes in existence could be reduced to half, that they should be rendered so concise and simple as to be intelligible not only to professional men but to persons of every capacity. That they should be redeemed from the uncertainties and obscurities arising from long involved sentences and from obsolete diction, and that it would relieve the legislature from providing for future revisions as the proposed one could be amended at will. They submitted their proposition to the legislature at the 1825 session without the endorsement of Mr. Root, the latter insisting upon his idea that the revision should be along the old lines. With their report to the legislature Messrs. Butler and Duer submitted a specimen revision upon the court for the trial of impeachments and correction of errors and a partial revision of the acts concerning the court of chancery. Quite unexpectedly a majority of the legislature concurred in the new proposal and an act was passed, not after much opposition, authorizing a revision along the lines proposed, and substituting the name of Henry Wheaton for that of Mr. Root. The act provided that the revisers should lay before the legislature from time to time parts of the revision to be considered and acted upon. They were given two years within which to complete the work. This was a short

time in which to complete such a task, and as a matter of fact the work was completed within three years. The revisers faced an unknown task never before attempted in the history of English law. They were to take a mass of fragmentary statutes and reduce them to one whole, systematically arranged, based on the principles of law as a science and regulating the exercise of public and private rights. Throughout they and the legislature held to the fiction that it was a revision of statute law only. The act authorizing the work provided for a revision of the acts of the legislature only; however, it gave them this leeway, it allowed them to "complete the said revision in such manner as to them shall seem most useful and proper, to render the said acts more plain and easy to be understood." In their formal reports the revisers spoke only of statute revision, in no wise admitting that they were incorporating into the revision provisions of the common law, of the canonical law and of various commentaries and court decisions. As a matter of fact they made use of all of these. They disclaimed making a codification of the common law. It is true that they did not codify the common law, but where they considered it useful they did not hesitate to round out the statute law with provisions of the common law. While their formal reports referred only to statute revisions, in their notes attached to the various titles and sections we find admissions that the sources are from other places than the statutes. For instance the note appended to title one of chapter 8 of part 2, on husband and wife, states that New York had never attempted to regulate by statute any of the subjects covered in this title and states that most of the title will be found to be new. The note, which may be instructive, reads as follows:

Original Note to Title. "This Title embraces some of the most interesting subjects of legislation—subjects, too, which demand, more than almost any other, the special care of the legislature. Most of its provisions, however, will be found to be new.

"Whilst almost every other state in the union, has defined the cases in which marriage may be contracted, and the causes which render it invalid, and has carefully provided for its due solemnization and proof, this state has never attempted to regulate by statute, any one of these particulars. We have several statutory provisions concerning divorces; but as to every other branch of the subject, we are left to the protection of the common law. This defect is the more serious, because the rules of the common law are insufficient to meet all the exigencies of this important relation. Much of the English law on this subject, is derived from the canonical law, as administered in the ecclesiastical courts; but it has lately been decided (Hopkins' Rep. 557,) that the ecclesiastical law has never been adopted in this state, and that we have no tribunals authorized to adjudge that a marriage is illegal, except upon those grounds which would invalidate other civil contracts.

"The imperfections of our laws, in regard to marriage, and the necessity of legislative regulation, were pointed out by Chancellor Sanford, in the case above cited, and have been often the subject of comment.

"In framing the following Title, the Revisers have derived much instruction and assistance from the laws of other states and nations; but aware of the difficulty and delicacy of the subject, they have sedulously endeavored to conform the new provisions proposed by them, to the sound principles recognized in the

statutes now in force, and to the actual state of society and public opinion among us.

"In some cases the particular motives which have led to the proposing of a new section, have been explained. In general, however, the Revisers have left their suggestions to speak for themselves; because they soon found, that to explain their views fully, would have required a treatise, rather than a series of short notes."

A short sketch of the passage of the Revised Statutes by the legislature may be of interest. On the second day of March, 1826, the year following the appointment of the revisers, the lower house passed a resolution requesting them to state what progress had been made. The revisers were ready for them and on the 15th of the same month submitted a lengthy report in which they outlined their proposed method and gave in detail the main heads into which the work was to be divided. The chapter on elections was ready and was submitted with the report. Unexpectedly the report was received quite favorably by the both houses. At the 1827 session of the legislature, which met in January other chapters were submitted. Others were handed in from time to time during that session. The celerity with which the work was carried forward is astonishing in view of the newness of the task, the shortness of the time and the fact that all of the revisers were men who had a considerable law practice. Appended to each of these reports is a set of notes that have become invaluable. The form and substance of the chapters is remarkable for their completeness, language and brevity. And the notes set forth with the same remarkable clearness the source from which the various provisions were drawn. An extraordinary session of the legislature in the fall of 1827 passed such parts as had been then submitted, with but immaterial variation from the originals as submitted. In the legislature of 1828 the revisers had a distinct advantage, for Mr. Butler had become a member of the lower house and Mr. Spencer who had taken the place of Mr. Wheaton, who had resigned, had become a member of the Senate, so that the cause was watched and advocated at first hand from the floors of both houses. The last of the chapters were passed at the session of 1828 and proper provision was made for the publication of an official edition to be issued by these revisers themselves. By a strange coincidence Mr. Root, one of the revisers named in the act of 1824, was speaker of the lower house.

In all nine editions of the Revised Statutes were issued, the first only being an official edition. For a full description of the last eight editions see *Law Library Journal*, v. 12, p. 29.

The prediction of the revisers that no new revision would be necessary was fulfilled in an unprecedented way, for no new revision appeared until the General Laws passed from 1890-1900. The result of their labors was the first true revision of statute law among English speaking peoples. It was not only the first but became the basis for all subsequent revisions. As the newer states were admitted to the Union many of them adopted the New York Revised Statutes with but minor changes to suit local conditions; others adopted great parts of them verbatim. Other adopted the general outlines modified. The revisers had taken a handful of disconnected session laws and with principles taken from the mysterious and intangible common law had fabricated a complete whole, both tangible and intelligible. This in the short space of three years.

The physical difficulties too should be remembered. The modern reviser, well supplied with funds, a corps of clerks, with pastepot and shears, with previous revisions to work upon, and in a comfortable office, often takes many more years than were necessary for the great revisers of one hundred years ago. They worked in small dingy offices with limited libraries, and without the aid of the modern expert stenographer and the typewriter, put together their material usually in long hand. When the days were cold wood had to be fed into the stove, and as night came on, for a great part of the work was done during the night, the candles had to be lit and renewed from time to time. The work was divided among them, each of the revisers drafting the original manuscripts of certain chapters. Then they met together in Mr. Butler's office in Albany and with constructive criticism drew up the final draft for the printer. Because of Mr. Butler's industry, the major part of the work was done in his office, which was at 109 State Street, at present the office building of Matthew Bender and Company, law publishers.

During the past year the New York State Library was presented with a complete set of the reports of the revisers by Charles Henry Butler, a grandson of Benjamin F. Butler. The donor is a former reporter of the decisions of the United States Supreme Court and a well known authority on international law. The gift constitutes the set originally collected by Benjamin F. Butler, apparently from various sources, and is bound up in six volumes. Besides the reports of the revisers consisting of the proposed text and the appended explanatory and source notes, it contains also reports of committees of the legislature, amendments made by legislature, and the results of other action after the reports left the hands of the revisers. One of the parts bears the signature of Benjamin F. Butler, another that of John C. Spencer, another that of Mr. Speaker (Erastus Root). Some of the reports are mutilated by cutting out of notes, probably for editorial purposes. In each such case, however, a perfect duplicate is bound in addition to the mutilated item.

For some reason complete sets of these reports are very scarce; the writer knows of but one other complete set, that in the Library of the Association of the Bar in New York City. They were originally issued in separate parts in pamphlet form, in editions of 750 each. Probably upon the appearance of the bound volumes of the Revised Statutes they were thrown away on the theory they were superseded, the value of the annotations being overlooked. Extracts from these notes were published in the 2nd edition of the Revised Statutes, v. 3, p. 401. Also in Edmonds: *New York Statutes At Large*, 2nd ed., v. 5, p. 490. A complete reprint of the notes on the real property chapters will be found in Fowler: *Real Property Law of New York*, 3rd ed., p. 1267. For the general subject of the revision and revisers see the *Revision of the Statutes of the State of New York and the Revisers*, by William Allen Butler, N. Y. 1889.

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STATE OF NEW YORK COUNTY OF BRONX

Before me, a Notary Public in and for the State and county aforesaid, personally appeared W. C. Rowell, who, having been duly sworn according to law, deposes and says that he is the Vice-Pres. The H. W. Wilson Company, publishers of the Index to Legal Periodicals and Law Library Journal and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management (and if a daily paper, the circulation), etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 411, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:

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Publisher, THE H. W. WILSON COMPANY
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Editor, ELDON R. JAMES
Harvard Law School, Cambridge, Mass.

Managing Editor, NONE

Business Managers, THE H. W. WILSON COMPANY
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2. That the owner is: (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding one per cent or more of total amount of stock. If not owned by a corporation the names and addresses of the individual owners must be given. If owned by a firm, company, or other unincorporated concern, its name and address, as well as those of each individual member, must be given.)

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THE H. W. WILSON COMPANY
Per W. C. ROWELL, Vice-Pres.

Sworn to and subscribed before me this 21st day of September, 1926.

[SEAL] GERTRUDE D. NOLAN.
Notary Public, Bronx County, N. Y.

(My commission expires March 30, 1928.)
County Clerk's No. 2. Register's No. 2807